

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

MICHAEL JAMES MOTTO,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00163

CORRECTIONAL MEDICAL SERVICES,
ST. LOUIS, MO, et al.,

Defendants.

ORDER

The Court has reviewed Defendants' Motions for Summary Judgment [Document No. 85 and Document No. 88] and Plaintiff's Motion for Summary Judgment [Document No. 149]. The above-styled matter came before the Court for consideration of the Proposed Findings and Recommendation [Document No. 154] submitted by the assigned United States Magistrate Judge. The Plaintiff filed his "Objections to Magistrate Judges Purposed Findings and Recommendation" [Document No. 157]. The Honorable R. Clarke VanDervort, United States Magistrate Judge, recommends that this Court grant Defendants' Motions for Summary Judgment, deny Plaintiff's Motion for Summary Judgment, dismiss Plaintiff's Complaint and remove the matter from the Court's docket.

After careful consideration of all appropriate documents, the Court does hereby **ORDER** that Defendants' Motions for Summary Judgment [Document No. 85 and Document No. 88] are **GRANTED** and Plaintiff's Motion for Summary Judgment [Document No. 149] is **DENIED**. A memorandum opinion setting forth specific findings and conclusions will follow.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 30, 2010

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A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA